

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : FALLS *et al.*
SERIAL NUMBER : 08/983,394 EXAMINER : *To be assigned*
FILING DATE : January 20, 1998 ART UNIT : *Unknown*
FOR : ELECTRONIC PRODUCT INFORMATION DISPLAY SYSTEM

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231



29315

PATENT & TRADEMARK OFFICE

DECLARATION OF JAMES B. SHARWARKO

1. I, James B. Sharwarko, am over twenty-one years of age, am of sound mind, and am competent to testify to the facts stated in this Declaration. Except as otherwise indicated herein, I have personal knowledge of the facts stated in this Declaration.
2. I began employment with Intelledge Corporation ("Intelledge") on January 2, 1996, and served as the Vice President of Finance and Chief Financial Officer.
3. As the Vice President of Finance and Chief Financial Officer, I had administrative responsibility for patent matters for Intelledge and served as the contact at Intelledge for law firms handling Intelledge patent matters.
4. The law firm of Laff, Whitesel, Conte, & Saret, Ltd. was one firm handling Intelledge patent matters. I served as their contact at Intelledge.
5. On May 21, 1998, I executed a Revocation and Substitute Power of Attorney ("Power of Attorney") authorizing the law firm of Laff, Whitesel, Conte & Saret, Ltd. to transact all business in the Patent and Trademark Office in connection with the above-referenced Application. The Power of Attorney, a copy of which is attached to this declaration as EXHIBIT

APPLICATION NO.

08/03,394

APPLICANTS:

FALLS et al.

A, directed the Patent and Trademark Office to address all correspondence concerning this application to Charles A. Laff, Esq. at the law firm of Laff, Whitesel, Conte & Saret, Ltd.

6. In September, 1998, my employment as Vice President of Finance and Chief Financial Officer at Intelledge formally ended with Intelledge's filing of Chapter 7 Bankruptcy. However, for the next three months (and approximately until the end of December, 1998), I would visit the offices of Intelledge, approximately once each week, to review mail, address general administrative issues, and assist in various matters relating to the liquidation of the assets of Intelledge pursuant to the bankruptcy proceedings.

7. During this time period (from September to December, 1998), I did not receive any correspondence from the law firm of Laff, Whitesel, Conte & Saret, Ltd. regarding the status of the above-referenced patent application.

8. Beginning in early January 1999, I began employment with another organization and ceased my work on behalf of Intelledge. However, Mr. John Noel, an in-house attorney for Intelledge, would contact me occasionally if there were any issues that needed my attention. I was never contacted regarding any correspondence from the law firm of Laff, Whitesel, Conte & Saret, Ltd. regarding the status of the above-referenced patent application.

9. From September, 1998 through January, 1999, I was unaware that the above-referenced patent application was in jeopardy of becoming abandoned. Moreover, I did not receive any correspondence from the law firm of Laff, Whitesel, Conte & Saret, Ltd. notifying me that the above-referenced patent application was in jeopardy of becoming abandoned.

10. As Vice President of Finance and Chief Financial Officer, and the individual having administrative responsibility for patent matters for Intelledge, I did not intend for the above-referenced patent application to go abandoned.

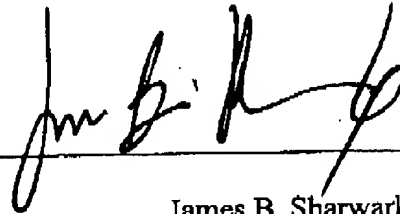
APPLICATION NO.
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06/03,394
FALLS et al.

13. For at least these reasons, Intelledge did not intentionally abandon the above-referenced patent Application.

VERIFICATION

I, James B. Sharwarko, on this 24th Day of January, 2003, hereby certify and declare under penalty of perjury pursuant to the laws of the United States of America and the State of Illinois that the facts stated in the foregoing Declaration are true and correct to the best of my knowledge, information and belief.



James B. Sharwarko

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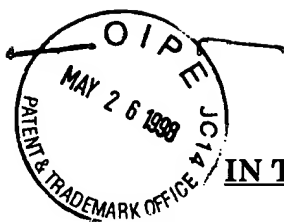
APPLICATION NO.

08/988 394

APPLICANTS:

FAB *et al.*

EXHIBIT A



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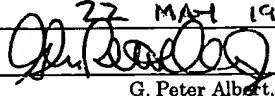
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Intelledge Corporation)	08/983394
Attorney Docket No:	5071-00002)	
Serial No.:	PCT/US96/12575)	
Filing Date:	July 31, 1996)	
Title:	ELECTRONIC PRODUCT INFORMATION DISPLAY SYSTEM)	
)	REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

[X] **AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES.** If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account no. 12-0064. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on:	
Date:	22 MAY 1998
Signature:	
G. Peter Albert, Jr.	

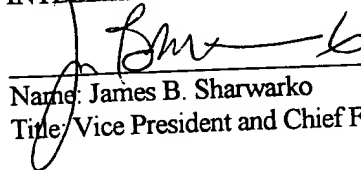


REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Under the Provision of PCT Rules 90.1 (a) and 90.6,, INTELLEDGE CORPORATION revokes all previous powers of attorney and hereby appoints Charles A. Laff (Reg. No. 19787), J. Warren Whitesel (Reg. No. 16830), Robert F.I. Conte (Reg. No. 20354), Larry L. Saret (Reg. No. 27674), Martin L. Stern (Reg. No. 28911), Louis Altman (Reg. No. 19373), Barry W. Sufrin (Reg. No. 27398), Marshall W. Sutker (Reg. No. 19962), Kevin C. Trock (Reg. No. 37745), William Meunier (Reg. No. 41193), Scott B. Feder (Reg. No. 33129), G. Peter Albert, Jr. (Reg. No. 37268), Michael B. Allen (Reg. No. 37582), and Lisa C. Childs (Reg. No. 39937) attorneys at law, duly authorized to practice before the U.S. Patent and Trademark Office, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection with the above-identified application, such power to be exercised separately or collectively by said attorneys; and requests that all correspondence from the Patent and Trademark Office concerning this application be addressed to:

CHARLES A. LAFF, ESQ.
Laff, Whitesel, Conte & Saret, Ltd.
401 North Michigan Ave., Suite 1700
Chicago, Illinois 60611

INTELLEDGE CORPORATION


Name: James B. Sharwarko
Title: Vice President and Chief Financial Officer

5-21-98

Date

MINTZ LEVIN
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James G. Gatto
Member

Direct dial 703 464 8182
jggatto@mintz.com

January 16, 2003

Charles A. Laff, Esquire
Michael Best & Friedrich LLC
401 N. Michigan Avenue, Suite 1900
Chicago, Illinois 60611

Re: Intelledge Corporation
U.S. Application Serial No. 08/983,394
Your Ref. Nos.: 205071-0001 and 205071-00028

Dear Mr. Laff:

In August of 2002, we filed a petition to revive the above-referenced patent application. In the very near future, we will be supplementing the petition with, among other things, a declaration from a former Intelledge Corporate Officer reciting that Intelledge did not intend to abandon the above-referenced application, and that they were unaware of (and failed to receive any communications regarding) a Notification of a Defective Oath or Declaration dated January 5, 1999 that had been mailed from the U.S. Patent Office to Laff, Whitesel, Conte & Saret, Ltd. It was the failure to respond to this document that caused the application to go abandoned.

In a letter dated June 19, 2002, you confirmed that your file indicated that a power of attorney was granted in Serial No. 08/983,394 to Laff, Whitesel, Conte & Saret, Ltd., and to the registered patent attorneys then in the firm. This power of attorney listed you as the attorney to whom correspondence should be addressed.

During a telephone conference on June 18, 2002, you indicated that your file for Serial No. 08/983,394 contains neither: (1) a Notification of a Defective Oath or Declaration from the U.S. Patent Office, nor (2) any correspondence to Intelledge regarding such a Notification. Please confirm that our understanding of these two points is correct, or, if you have any such correspondence, please send it to us by January 21, 2003. If we fail to receive any documents from you, we will assume our understanding is correct.

MINTZ, LEVIN, COHN, FERRIS [REDACTED] VSKY AND POPEO, P.C.

Charles A. Laff, Esquire
January 16, 2003
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If you have questions, please feel free to contact me at 703-464-8182.

Very truly yours,



James G. Gatto

JGG/bcb

RES 84436v1